

United States District Court

SOUTHERN

DISTRICT OF NEW YORK

Kirk Allen

Index No. 08CV 1310

Plaintiff(s) Petitioner(s)

Calendar No.

AFFIDAVIT
OF
SERVICE

being sworn

Wappinger CSD, Sherrill Murray ^{against} Lazarus and
Richard Powell, sued in their individual capacities

ORANGE COUNTY, NEW YORK STATE:

MICHAEL CRUDELE

Deponent is not a party herein, is over 18 years of age and resides at

66 Hickory Drive, Campbell Hall, NY

On 2-15-2008 at 1145 A.M., at 167 meyers corner Rd Wappinger Falls NY

deponent served the within ☐ summons ☐ with notice☒ summons and complaint☐ notice of petition and petition☐ subpoena ☐ subpoena duces tecum☐ summons, Spanish summons and complaint, the language required by NYCRR 2900.2(c), (f) & (h) was set forth on the face of the summons(es)☐ citation☒ United States District Courton Richard Powell
c/o Wappinger C.S.D.☒ defendant (hereinafter☐ respondent called therein named☐ witness the recipient)

INDIVIDUAL by delivering a true copy of each to said recipient personally; deponent knew the person so served to be the person described as said recipient therein.

CORPORATION a corporation, by delivering thereto a true copy of each to personally, deponent knew said corporation so served to be the corporation, described in same as said recipient and knew said individual to be

SUITABLE AGE PERSON by delivering thereto a true copy of each to Susan Penny District Clerk thereof a person of suitable age and discretion. Said premises is recipient's ☐ actual place of business ☐ dwelling place ☐ usual place of abode within the state.AFFIXING TO DOOR, ETC. by affixing a true copy of each to the door of said premises, which is recipient's ☐ actual place of business ☐ dwelling place ☐ usual place of abode within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, thereat, having called there:Deponent talked to at said premises who stated that recipient ☐ lived ☐ worked there.

MAILING TO RESIDENCE USE WITH 3 OR 4 Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to recipient at recipient's last known residence, at and deposited said envelope in an official depository under exclusive care and custody of the U.S. Postal Service within New York State.

MAILING TO BUSINESS USE WITH 3 OR 4 Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to recipient at recipient's actual place of business, at in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the recipient.

DESCRIPTION	<input type="checkbox"/> Male	<input checked="" type="checkbox"/> White Skin	<input type="checkbox"/> Black Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 14-20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs
	<input checked="" type="checkbox"/> Female	<input type="checkbox"/> Black Skin	<input checked="" type="checkbox"/> Brown Hair	<input type="checkbox"/> Balding	<input type="checkbox"/> 21-35 Yrs.	<input type="checkbox"/> 5'0"-5'3"	<input type="checkbox"/> 100-130 Lbs
		<input type="checkbox"/> Yellow Skin	<input type="checkbox"/> Blonde Hair	<input type="checkbox"/> Mustache	<input type="checkbox"/> 36-50 Yrs.	<input type="checkbox"/> 5'4"-5'8"	<input type="checkbox"/> 131-160 Lbs.
		<input type="checkbox"/> Brown Skin	<input type="checkbox"/> Gray Hair	<input type="checkbox"/> Beard	<input checked="" type="checkbox"/> 51-65 Yrs.	<input checked="" type="checkbox"/> 5'9"-6'0"	<input checked="" type="checkbox"/> 161-200 Lbs.
		<input type="checkbox"/> Red Skin	<input checked="" type="checkbox"/> Red Hair	<input type="checkbox"/> Glasses	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 Lbs

Other identifying features:

WITNESS FEES	\$	the authorizing traveling expenses and one days' witness fee:	<input type="checkbox"/> was paid (tendered) to the recipient
			<input type="checkbox"/> was mailed to the witness with subpoena copy.

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatsoever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated.

Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Michael Crudele